

JUL 27 2006

**FAX TRANSMISSION****DATE:** July 27, 2006**PTO IDENTIFIER:** Application Number 10/594598-Conf. #7806  
Patent Number**Inventor:** Motoyuki ASHIKARI et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8900**FROM:** LAHIVE & COCKFIELD, LLP  
Jeanne M. DiGiorgio**PHONE:** (617) 227-7400**Attorney Dkt. #:** SHZ-024US**PAGES (Including Cover Sheet):** 11**CONTENTS:**  
Transmittal (1 page)  
Certificate of Transmission (1 page)  
Request for Corrected Filing Receipt (2 pages)  
Copy of Filing Receipt (3 pages)  
Copy of Preliminary Amendment (3 pages)

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PTO/SB/97 (09-04)

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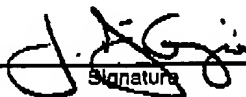
Application No. (If known): 10/534593

Attorney Docket No.: SHZ-024US

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JUL 27 2006

PTO/SB/21 (08-04)

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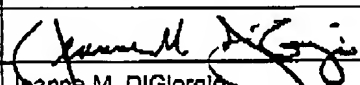
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/534593-Conf. #7806
	Filing Date	October 31, 2005
	First Named Inventor	Motoyuki ASHIKARI
	Art Unit	1645
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	SHZ-024US

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CO, Number of CO(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Request for Correction Filing Receipt (2 pgs.); Certificate of Transmission (1 pg.); Copy of Filing Receipt (3 pgs.); Copy of Preliminary Amendment (3 pgs.)
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Jeanne M. DiGiorgio		
Date	July 27, 2006	Reg. No.	41,710

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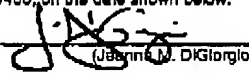
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Dated: July 27, 2006 Signature: 

(J. Giorgio, M. DiGiorgio)

Docket No.: SHZ-024US  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Motoyuli Ashikari *et al.*

Application No.: 10/534593

Confirmation No.: 7806

Filed: October 31, 2005

Art Unit: 1645

For: GENES FOR INCREASING GRAIN YIELD  
AND USES THEREOF (As Amended)

Examiner: Not Yet Assigned

**REQUEST FOR CORRECTED FILING RECEIPT**

Filing Receipt Corrections  
Office of Initial Patent Examination  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicant, a copy of which is attached hereto, has errors in

- 1) Domestic Priority as claimed by applicant

UNITED STATES OF AMERICA 60425919 11/13/2002

- 2) Foreign Applications

This application is a 371 of PCT/JP03/14434 11/13/2003

- 3) Title

GENES FOR INCREASING GRAIN YIELD AND USES THEROF (As Amended)

Applicant additionally requests that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.


Application No.: 10/534593

Docket No.: SHZ-024US

Applicant believes no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. SHZ-024US from which the undersigned is authorized to draw.

Dated: July 27, 2006

Respectfully submitted,

By   
Jeanne M. DiGiorgio  
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Boston, Massachusetts 02109  
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Attorney/Agent For Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/534,593	10/31/2005	1645	3240	SHZ-024US	10	19	2

CONFIRMATION NO. 7806

959

LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

## FILING RECEIPT

100000000018261451\*

Date Mailed: 03/13/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Motoyuki Ashikari, Nagoya-shi, JAPAN;  
Makoto Matsuoka, Nagoya-shi, JAPAN;  
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**Power of Attorney:** The patent practitioners associated with Customer Number 959.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/14434 11/13/2003 UNITED STATES OF AMERICA

60425919 11/13/2002

## Foreign Applications

UNITED STATES OF AMERICA 60425919 11/13/2002

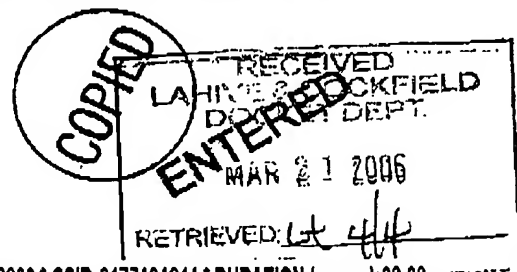
This application is a 371 of PCT/JP03/14434 11/13/2003

If Required, Foreign Filing License Granted: 03/10/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/534,593**

Projected Publication Date: 06/22/2006

Non-Publication Request: No



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Early Publication Request: No

## Title

~~Gene elevating cereal yield and utilization thereof~~genes for increasing grain yield  
and uses thereof (as  
amended)

## Preliminary Class

530

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Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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JUN 8 2006

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Dated: June 8, 2006 Signature: *[Signature]*  
(Jeanne M. D'Amico)

Docket No.: SHZ-024US  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Motoyuki Ashikari *et al.*

Application No.: 10/534593

Filed: May 11, 2005

Art Unit: N/A

For: GENES FOR INCREASING GRAIN YIELD  
AND USES THEREOF (As Amended)

Examiner: Not Yet Assigned

SECOND PRELIMINARY AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

Prior to examination on the merits, please amend the above-identified U.S. patent application as follows:

**Amendments to the Specification begin on page 2 of this paper.**

**Remarks/Arguments begin on page 3 of this paper.**

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Application No.: 10/534593

Docket No.: SHZ-024US

**AMENDMENTS TO THE SPECIFICATION**

On page 1, line 1, please amend the title as follows:

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**GENE GENES ~~ELEVATING CEREAL~~ FOR INCREASING GRAIN YIELD AND  
UTILIZATION USES THEREOF**

Application No.: 10/534593

Docket No.: SHZ-024US

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REMARKS

Prior to examination of this application, Applicants amend the title of the above-referenced application and the specification of this application to include priority information. The foregoing amendment is not related to issues of patentability, and introduces no new matter. Entry of the foregoing Preliminary Amendment is respectfully in order and requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: June 9, 2005

Respectfully submitted,

By Jeanne M. DiGiorgio  
Jeanne M. DiGiorgio  
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